

**MINUTES**  
**IN THE UNITED STATES DISTRICT COURT FOR THE**  
**MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION**

**HON. CHARLES S. COODY, MAG JUDGE AT**      **Montgomery, Alabama**

**DATE COMMENCED:**    **12/ 1/ 06**      **AT**      **9:22 a.m. - 9:25 a.m.**

**DATE COMPLETED:**    **12/ 1/ 06**      **TO**      **Digital Recorded**

**UNITED STATES OF AMERICA**      \*

**VS.**      \*      **CASE NO. 2:06CR-200-WHA**

**ROSA RINCON**      \*

**Defendant**      \*

<b>GOVERNMENT</b>	<b>APPEARANCES:</b>	<b>DEFENDANT</b>
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Atty. Christopher Snyder	*	Atty. Jay Lewis
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**COURT OFFICIALS PRESENT:**

**Court Room Deputy:** Wanda Stinson

**Law Clerk:** Corrie Long

**Court Reporter:** Risa Entrekin

**Interpreter:** Beverly Childress

( ) NON-JURY TRIAL

( ) OTHER PROCEEDINGS: **ORAL ARGUEMENT RE: MOTION TO DISMISS**

9:22 a.m.

Court convenes; parties present as noted;

AUSA Snyder addresses the court re; research on the statute; Discovered that there was a Dept of Justice memorandum issued in 1978 that states that it's the opinion of the office of legal counsel that this statute is unconstitutional unless brought in the district the offense occurred because it violates the venue clause; It's still the policy of the Dept. of Justice; Pursuant to that policy, Govt. will be dismissing count 2;

Court response - it's a trial defense;

Atty. Snyder - will file something with the court dismissing that charge;

Atty. Lewis addresses the court as to whether statute of limitations must be waived;

Court response ;

9.25 a.m.

Court is recessed.